

SEARCH REQUEST FORM**Scientific and Technical Information Center**

Requester's Full Name: Anny KASHNIKOW Examiner #: 60484 Date: 4/21/04
 Art Unit: 3700 Phone Number 308-1137 Serial Number: 08/850,073
 Mail Box and Bldg/Room Location: CP2-2101 Results Format Preferred (circle): PAPER DISK E-MAIL

If more than one search is submitted, please prioritize searches in order of need.

Please provide a detailed statement of the search topic, and describe as specifically as possible the subject matter to be searched. Include the elected species or structures, keywords, synonyms, acronyms, and registry numbers, and combine with the concept or utility of the invention. Define any terms that may have a special meaning. Give examples or relevant citations, authors, etc, if known. Please attach a copy of the cover sheet, pertinent claims, and abstract.

Title of Invention: _____

Inventors (please provide full names): _____

Earliest Priority Filing Date: _____

For Sequence Searches Only Please include all pertinent information (parent, child, divisional, or issued patent numbers) along with the appropriate serial number.

LIT. SEARCH - U.S. PATENT No. 5,411,466

***** STAFF USE ONLY *****

STAFF USE ONLY	Type of Search	Vendors and cost where applicable
Searcher: <u>Solomon</u>	AA Sequence (#)	STN _____
Searcher Phone #: <u>305-5932</u>	AA Sequence (#)	Dialog _____
Searcher Location: <u>CP2 2c08</u>	Structure (#)	Questel/Orbit <u>\$22.68</u>
Date Searcher Picked Up: <u>4-21-04</u>	Bibliographic	Dr.Link _____
Date Completed: <u>4-22-04</u>	Litigation <u>X</u>	Lexis/Nexis _____
Searcher Prep & Review Time: <u>10</u>	Fulltext	Sequence Systems _____
Clerical Prep Time:	Patent Family	WWW/Internet _____
Online Time: <u>8</u>	Other	Other (specify) <u>Court Link \$18.00</u>



STIC Search Report

EIC 3700

STIC Database Tracking Number: 1119904

TO: Andres Kashnikow
Location: cp2 2a01
Art Unit: 3700
Wednesday, April 21, 2004

Case Serial Number: 08/850073

From: Terry Solomon
Location: EIC 3700
CP2-2C08
Phone: 305-5932

Terrance.solomon@uspto.gov

Search Notes

Litigation Found:

Calmedica, LLC v. Novoste Corp., et al 03cv3924

Docket is still open. Last recorded action, 2-3-04.

Sources: Lexis/Nexis, Questel-Orbit and Court Link

219179 (08) 5411466 May 2, 1995

Time of Request: April 21, 2004 09:54 AM EDT

Research Information:

Utility, Design and Plant Patents
patno=5411466

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5411466

May 2, 1995

Apparatus for restenosis treatment

REEXAM-LITIGATE:

NOTICE OF LITIGATION

Calmedica, LLC v. Novoste Corporation, et al, Filed June 9, 2003, D.C. N.D. Illinois, Doc. No. 03 C 3924

REISSUE: Reissue Application filed May 2, 1997 (O.G. Nov. 4, 1997) Ex. Gp.: 3305; Re. S.N. 08/850,073, (O.G. November 4, 1997)

APPL-NO: 219179 (08)

FILED-DATE: March 28, 1994

GRANTED-DATE: May 2, 1995

ASSIGNEE-AT-ISSUE: Hess, Robert L., Menlo Park, California, United States (US), 04

ASSIGNEE-AFTER-ISSUE: November 3, 1997 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., PROGRESSIVE ANGIOPLASTY SYSTEMS, INC. SUITE 201 1350 WILLOW ROAD MENLO PARK CALIFORNIA 94025, Reel and Frame Number: 008773/0209

June 20, 2001 - NONE PATENT TRANSFER AGREEMENT, CALMEDICA, LLC 35 TAGUS COURT PORTOLA VALLEY CALIFORNIA 94028, Reel and Frame Number: 011911/0708

LEGAL-REP: Burns, Doane, Swecker & Mathis

Time of Request: April 21, 2004 09:56 AM EDT

Research Information:

Patent Cases from Federal Courts and Administrative Materials
5411466 or 5,411,466

CALMEDICA, LLC, Plaintiff, v. NOVOSTE CORPORATION and RUSH-PRESBYTERIAN-ST. LUKE'S MEDICAL CENTER, Defendants.

Case No. 03 C 3924

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

2004 U.S. Dist. LEXIS 1210

January 29, 2004, Decided
January 30, 2004, Docketed

DISPOSITION: [*1] Defendant Novoste's motion to sever claims against its co-defendant Rush-Presbyterian-St. Luke's Medical Center granted and matter transferred to the United States District Court for the Northern District of Georgia.

CASE SUMMARY:

PROCEDURAL POSTURE: In a patent infringement case, plaintiff patent holder sued defendants, two alleged patent infringers (a corporation and a medical center). The corporation moved to sever the claims filed by the holder against its co-defendant medical center and transfer venue. The hospital filed a motion to join the corporation's motion to sever and transfer venue.

OVERVIEW: The holder alleged that the corporation directly infringed its apparatus patent and was also liable for inducement of infringement of its method patent. The holder alleged that the medical center directly infringed both the method patent and the apparatus patent. In support of its motion to sever the actions, the corporation argued that the medical center was a peripheral defendant and not a necessary party to the underlying dispute between itself and the holder. Resolution of the holder's claims against the corporation would likely resolve the same issues underlying any potential claims that the holder might have against the medical center. Additionally, it was apparent that the holder named the

medical center as a defendant solely to justify venue in the present court. In regards to the motion to transfer venue, the holder was not a resident of the present federal district, the transfer forum had a greater connection because the corporation's research, development, manufacturing, and sales activities were based in Georgia. In either venue the holder would have to travel since it was a California company. Finally, the interests of justice favored transfer.

OUTCOME: The corporation's motion to sever and transfer venue was granted.

LexisNexis (TM) HEADNOTES - Core Concepts:

Civil Procedure > Joinder of Claims & Parties > Misjoinder of Parties

[HN1] Pursuant to Fed. R. Civ. P. 21, any claim against a party may be severed and proceeded with separately.

Civil Procedure > Joinder of Claims & Parties > Misjoinder of Parties Patent Law > Jurisdiction & Review > Personal Jurisdiction & Venue

[HN2] It is not uncommon for courts to sever claims by patent holders against peripheral defendants in order to transfer the litigation to a more appropriate forum.

Civil Procedure > Venue > Change of Venue in Federal Courts

[HN3] Pursuant to 28 U.S.C.S. § 1404(a), for the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

Civil Procedure > Venue > Change of Venue in Federal Courts

[HN4] The moving party has the burden to establish that the transfer forum is clearly more convenient than the transferor court.

Civil Procedure > Venue > Change of Venue in Federal Courts

[HN5] Transfer is appropriate pursuant to 28 U.S.C.S. § 1404(a) when the moving party demonstrates that: (1) venue is proper in the transferor district; (2) venue and jurisdiction are proper in the transferee district; and (3) a transfer will serve the convenience of the parties, the witnesses, and the interests of justice.

Civil Procedure > Venue > Change of Venue in Federal Courts

[HN6] The convenience and fairness inquiry for a transfer pursuant to 28 U.S.C.S. § 1404(a) is determined on a case by case basis by looking at the private interests of the parties and witnesses and the public interest of the court. Private interests generally include: (1) plaintiff's choice of forum, (2) the situs of material events, (3) the relative ease of access to sources of proof in each forum, and (4) convenience to the parties.

Civil Procedure > Venue > Change of Venue Generally

[HN7] The weight given to a plaintiff's choice of forum is lessened if the chosen forum lacks any significant connection to the lawsuit.

Civil Procedure > Venue > Change of Venue in Federal Courts

[HN8] In determining venue in patent cases, courts often focus on the alleged infringing activities of the defendant and the employees and documents that evidence those activities, and the situs of the material events generally is where the alleged infringing activities occurred.

Civil Procedure > Venue > Change of Venue Generally

[HN9] The convenience of the witnesses often is viewed as the most important factor to consider in evaluating whether a transfer would be appropriate.

Civil Procedure > Venue > Change of Venue in Federal Courts

[HN10] Convenience and location of counsel has never been accorded weight in a transfer analysis.

Civil Procedure > Venue > Change of Venue in Federal Courts

[HN11] The final consideration in a convenience transfer analysis is whether a change of venue would serve the overall interests of justice. Public interests include a court's familiarity with applicable law and the desirability of resolving controversies in its locale.

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JUDGES: Wayne R. Andersen, United States District Judge.

OPINIONBY: Wayne R. Andersen

OPINION:

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant Novoste Corporation's motion to sever the [*2] claims filed by plaintiff Calmedica LLC against co-defendant Rush-Presbyterian-St. Luke's Medical Center. Defendant Novoste Corporation also has moved to transfer this case to the United States District Court for the Northern District of Georgia. Rush-Presbyterian-St. Luke's Medical Center has filed a motion to join Novoste's motion to sever and transfer venue. For the following reasons, the motion to sever and transfer venue is granted.

BACKGROUND

This is a patent infringement dispute in which Calmedica has sued Novoste and Rush-Presbyterian-St. Luke's Medical Center ("Rush"). Calmedica owns two

patents which are directed to a method (U.S. Patent No. 5,302,168) and apparatus (U.S. Patent No. 5,411,466) used for the treatment of coronary artery disease. Novoste manufactures and sells a catheter system known as the Beta-Cath system for use in the treatment of coronary heart disease. Rush uses Novoste's Beta-Cath system for the treatment of patients who suffer from coronary heart disease and was one of the many medical centers that participated in the Beta-Cath system clinical trials that led to FDA approval of the product.

Calmedica filed a complaint alleging separate claims [*3] against Novoste and Rush. Calmedica alleges that Novoste directly infringes its apparatus patent by manufacturing and selling the Beta-Cath system and that Novoste also is liable for inducement of infringement because it is causing, and has caused, others to infringe its method patent. Calmedica also alleges that Rush directly infringes both patents because Rush uses the Beta-Cath system to treat its patients. Both Novoste and Rush have filed answers denying infringement and have plead that the patents-in-suit are invalid and unenforceable. Novoste has filed a motion to sever the claims against Rush and seeks to transfer the action to the Northern District of Georgia. Rush has joined Novoste's motion.

DISCUSSION

A. Severance of the Claims Against Rush

Novoste has moved to sever the action against Rush, arguing that Rush is a peripheral defendant and not a necessary party to the underlying dispute between Calmedica and Novoste. [HN1] Pursuant to Federal Rule 21, "any claim against a party may be severed and proceeded with separately." [HN2] It is not uncommon for courts to sever claims by patent holders against peripheral defendants in order to transfer the litigation to a more appropriate [*4] forum. See, e.g., *Safe Bed Technologies Co. v. KCI USA, Inc.*, 2002 U.S. Dist. LEXIS 14019, 2002 WL 1769991 (N.D. Ill. July 31, 2002) (severing claims against a hospital that leased the accused product from the manufacturer as a peripheral defendant); *Ambrose v. Steelcase, Inc.*, 2002 U.S. Dist. LEXIS 12527, 2002 WL 1447871 (N.D. Ill. July 3, 2002) (severing claims against a reseller of the accused infringing product).

Resolution of Calmedica's infringement claims against Novoste likely will resolve the same issues underlying any potential infringement claims that Calmedica may have against Rush. To prove that Novoste induced infringement of Calmedica's method patent, Calmedica must prove that someone directly infringed the patent by performing the patented method. It is not disputed that Novoste does not perform the patented method. However, to prove infringement of

Calmedica's method patent, it is not imperative to prove Rush's alleged infringement.

Rush is merely one of Novoste's customers located throughout the United States that has purchased, used and continue to use the Beta-Cath system. Calmedica can establish the direct infringement element of its inducement claim by proving that anyone practiced [*5] the patented method using the Beta-Cath system supplied by Novoste. There is nothing particularly special about determining the alleged infringement of Rush as compared to any of Novoste's other customers using the Beta-Cath system.

It is transparent to this Court that Calmedica has named Rush as a defendant in this matter solely to justify venue in this Court. This is not a case in which a patent holder has sued a manufacturer along with its top purchasers or distributors. Rather, Rush is merely one of 59 hospitals worldwide that participated in the Beta-Cath clinical trials and one of Novoste's many customers located throughout the United States that is using the Beta-Cath system. In light of this as well as the arguments addressed below in resolving the transfer issue, we conclude that it is appropriate to sever the claims against Rush.

B. Transfer of Venue

Novoste also has moved to transfer this case to the Northern District of Georgia. [HN3] Pursuant to 28 U.S.C. § 1404(a), "for the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been [*6] brought." [HN4] The moving party has the burden to establish that the transfer forum is "clearly more convenient" than the transferor court. *Coffey v. Van Dorn Iron Works*, 796 F.2d 217, 219-220 (7th Cir. 1986).

[HN5] Transfer is appropriate pursuant to section 1404(a) when the moving party demonstrates that: (1) venue is proper in the transferor district; (2) venue and jurisdiction are proper in the transferee district; and (3) a transfer will serve the convenience of the parties, the witnesses and the interests of justice. *Anchor Wall Systems, Inc. v. R&D Concrete Products, Inc.*, 55 F. Supp. 2d 871, 873 (N.D. Ill 1999). With the severance of Rush, venue is proper in this Court as well as in the Northern District of Georgia. Thus, resolution of this issue centers principally around the third factor.

[HN6] The convenience and fairness inquiry for a transfer pursuant to section 1404(a) is determined on a case by case basis by looking at the private interests of the parties and witnesses and the public interest of the court. *Coffey*, 796 F.2d at 219. Private interests generally include: (1) plaintiff's choice of forum; (2) the situs of

material events; (3) [*7] the relative ease of access to sources of proof in each forum; and (4) convenience to the parties. *Anchor Wall Systems, Inc.*, 55 F. Supp. 2d at 873.

1. Plaintiff's Choice of Forum

Although Calmedica filed suit in this District, its choice of forum has diminished significance because Calmedica is not a resident of the Northern District of Illinois. Thus, this factor is simply another factor in the mix and is not given any additional weight. *H.B. Sherman Mfg. Co. v. Rain Bird Nat'l Sales Corp.*, 979 F. Supp. 627, 630 (N.D. Ill. 1997). [HN7] The weight given to a plaintiff's choice of forum is further lessened if the chosen forum lacks any significant connection to the lawsuit. *Anchor Wall Systems, Inc.*, 55 F. Supp. 2d at 874. In this case, Calmedica is not located in Illinois and does not appear to have any connection with this forum. Thus, little weight will be accorded Calmedica's choice of forum in this case.

2. Situs of Material Events

[HN8] In patent cases, courts often focus on "the alleged infringing activities of the defendant and the employees and documents that evidence these activities," and the situs of the material events [*8] generally is where the alleged infringing activities occurred. *Sitrick v. Dreamworks L.L.C.*, 2003 U.S. Dist. LEXIS 24381, 2003 WL 21147898, at *3 (N.D. Ill. May 14, 2003). In this case, the Northern District of Illinois has a de minimis connection with the operative facts giving rise to the alleged infringement while the Northern District of Georgia has a much greater connection because Novoste's research, development, manufacturing and sales activities are based in Georgia. Thus, consideration of the situs of material events strongly favors the transfer of this matter to Georgia.

3. Convenience of the Witnesses and Parties

[HN9] The convenience of the witnesses often is viewed as the most important factor to consider in evaluating whether a transfer would be appropriate. *Ambrose*, 2002 U.S. Dist. LEXIS 12527, 2002 WL 1447871, at *3. Novoste has identified 16 witnesses of which 13 of those witnesses are located in Georgia. Neither party has identified any individual witnesses in Illinois.

With regard to convenience of the parties, neither party is located in Illinois, but one party is located in Georgia. Also, it is not a significant burden for Calmedica to travel from California to Georgia rather than to [*9] Illinois as in either instance Calmedica cannot avoid travel. Calmedica seeks to justify Illinois as its choice of forum on the ground that its counsel is located in Chicago. However, this does not tilt the scales in favor of Calmedica in the transfer analysis. See *Hemstreet v. Scan-Optics, Inc.*, 1990 U.S. Dist. LEXIS 2609, 1990 WL 36703, at *4 (N.D. Ill. Mar. 9, 1990) (stating that "the [HN10] convenience and location of counsel have never been accorded weight in a transfer analysis"). Thus, convenience for the key witnesses and Novoste weighs in favor of transferring this matter while no material or relevant counterbalancing inconveniences have been identified for Calmedica.

4. Public Interests of Justice

[HN11] The final consideration is whether a change of venue would serve the overall interests of justice. Public interests include a court's familiarity with applicable law and the desirability of resolving controversies in its locale. *Anchor Wall Systems, Inc.*, 55 F. Supp. 2d at 874. Both forums are equally familiar with federal patent law. However, because this lawsuit does not have any significant connection to this forum, the interest of justice is better served by transferring [*10] this matter to the Northern District of Georgia where the situs of material events occurred and where a majority of the witnesses and documents are located.

Having examined each of the factors enumerated above, we conclude that the continued litigation of this case in the Northern District of Georgia is clearly more convenient and in the interests of justice.

CONCLUSION

For the foregoing reasons, Novoste's motion to sever the claims against its co-defendant Rush-Presbyterian-St. Luke's Medical Center is granted, and this matter is transferred to the United States District Court for the Northern District of Georgia.

Wayne R. Andersen

United States District Court

Dated: January 29, 2004

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** SS 1: Results 1

1 / 1 PLUSPAT - ©QUESTEL-ORBIT - image

Patent Number :

US5411466 A 19950502 [US5411466]

Title :

(A) Apparatus for restenosis treatment

Patent Assignee :

(A) HESS ROBERT L (US)

Patent Assignee :

Hess, Robert L., Menlo Park CA [US]

Inventor(s) :

(A) HESS ROBERT L (US)

Application Nbr :

US21917994 19940328 [1994US-0219179]

Filing Details :

Cont. of US755480 19910905 [1991US-0755480]

Continuation of: US5302168

Priority Details :

US21917994 19940328 [1994US-0219179]

US75548091 19910905 [1991US-0755480]

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Document Type :

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Citations :

US3168092; US3324847; US4202323; US4434788; US4588395; US4697575;
US4733665; US4815449; US4878492; US5019075; US5059166; US5084002

Publication Stage :

(A) United States patent

Abstract :

Method and apparatus for treatment and post-treatment of the stenosed region of an artery after reduction of the region by angioplasty or other means by applying a radioactive dose to said reduced region of the artery by positioning a radioactive dose to the reduced region is disclosed.

1 / 1 LGST - ©EPO

Patent Number :

US5411466 A 19950502 [US5411466]

Application Number :

US21917994 19940328 [1994US-0219179]

Action Taken :

19971103 US/AS02-A

ASSIGNMENT OF ASSIGNOR'S INTEREST

OWNER: PROGRESSIVE ANGIOPLASTY SYSTEMS, INC. SUITE 201 13; EFFECTIVE

DATE: 19970919

19971103 US/AS02-A
ASSIGNMENT OF ASSIGNOR'S INTEREST
OWNER: CALMEDICA, L.L.C.; EFFECTIVE DATE: 19970919

19971104 US/RF-A
REISSUE APPLICATION FILED
EFFECTIVE DATE: 19970502

Update Code :
2003-22

1 / 1 CRXX - ©CLAIMS/RRX

Patent Number :
5,411,466 A 19950502 [US5411466]
Patent Assignee :
Hess Robert L
Actions :
19970502 REISSUE REQUESTED
ISSUE DATE OF O.G.: 19971104
REISSUE REQUEST NUMBER: 08/850073
EXAMINATION GROUP RESPONSIBLE FOR REISSUEPROCESS: 3305

Reissue Patent Number:

19971103 REASSIGNED
ASSIGNMENT OF ASSIGNOR'S INTEREST

Assignor: CALMEDICA, L.L.C. DATE SIGNED: 09/19/1997

Assignee: PROGRESSIVE ANGIOPLASTY SYSTEMS, INC. SUITE 201 1350 WILLOW ROAD MENLO PARK, CALIFORNIA 94025

Reel 008773/Frame 0209

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20010620 REASSIGNED
PATENT TRANSFER AGREEMENT

Assignor: UNITED STATES SURGICAL CORPORATION DATE SIGNED: 04/06/2001
TYCO INTERNATIONAL LTD. DATE SIGNED: 04/06/2001

Assignee: CALMEDICA, LLC 35 TAGUS COURT PORTOLA VALLEY, CALIFORNIA 94028

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1 / 1 LITA - ©Thomson Derwent

Accession Number :
P2003-37-08
File Segment :
PATENT (P)
Patent Number :
US5302168 19940412 (Utility)
Plaintiffs :
Calmedica LLC
Defendants :
Novoste Corporation, et al
Court :
IL, Northern Dist.
Docket Number :
03 C 3924
Filing Date :
2003-06-09
Action :
A complaint was filed.
Other Patents Nbrs :
US5411466

Session finished: 21 APR 2004 Time 15:59:01
QUESTEL.ORBIT thanks you. Hope to hear from you again soon.

US District Court Civil Docket
US District Court for the Northern District of Illinois
(Chicago)

1:03cv3924

Calmedica LLC v. Novoste Corp, et al

Patent Number	Patent Title	Issue Date
<u>5,302,168</u>	Method and apparatus for restenosis treatment	4/12/1994
<u>5,411,466</u>	Apparatus for restenosis treatment	5/2/1995

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US District Court Civil Docket

**US District Court for the Northern District of Illinois
(Chicago)**

1:03cv3924

Calmedica LLC v. Novoste Corp, et al

This case was retrieved from the court on Wednesday, April 21, 2004

Date Filed: 06/09/2003	Class Code: PROTO BOBRIC
Assigned To: Honorable Wayne R Andersen	A0279
Referred To: Honorable Edward A Bobrick	Closed: No
Nature of suit: Patent (830)	Statute: <u>35:271</u>
Cause: Patent Infringement	Jury
Lead Docket: None	Demand: Plaintiff
Other Docket: None	Demand
Jurisdiction: Federal Question	Amount: \$0

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Rush Presbyterian St Luke's Medical Center
COUNTER-CLAIMANT

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Date #

Proceeding Text

- 06/09/2003  1 COMPLAINT (Attachment); jury demand - Civil cover sheet - Appearance(s) of Keith V. Rockey, Kathleen Ann Lyons, Robert William Connors as attorney (s) for plaintiff (Two original and two copies summons(es) issued.) (Documents:1-1 through 1-3) [Date Entered: 06/10/03, By: hp]
- 06/09/2003 = RECEIPT regarding payment of filing fee paid; on 6/9/03 in the amount of

- \$150.00, receipt #1074932. [Date Entered: 06/10/03, By: hp]
- 06/09/2003 [2](#) NOTICE by plaintiff of claims involving patents. [Date Entered: 06/10/03, By: hp]
- 06/10/2003 [-](#) MAILED Patent report to Washington, D.C. [Date Entered: 06/10/03, By: hp]
- 07/01/2003 [3](#) ATTORNEY APPEARANCE for defendant Novoste Corp by David C. Van Dyke, Timothy L Conti [Date Entered: 07/02/03, By: eav]
- 07/07/2003 [5](#) MOTION by defendant Novoste Corp for an extension of time to answer plaintiff's complaint ; Notice of motion [Date Entered: 07/17/03, By: eav]
- 07/08/2003 [4](#) RETURN OF SERVICE of summons as to defendant Novoste Corp executed on 6/11/03 (Attachment) [Date Entered: 07/09/03, By: eav]
- 07/15/2003 [6](#) MINUTE ORDER of 7/15/03 by Hon. Wayne R. Andersen : Motion for an extension of time to answer plaintiff's complaint is granted to 8/12/03 to answer or otherwise plead to the complaint. [5-1] Mailed notice [Date Entered: 07/17/03, By: eav]
- 08/12/2003 [12](#) ANSWER, affirmative defenses to plaintiff's complaint [1-1] and COUNTERCLAIMS by defendant Novoste Corp against plaintiff; Notice. [Date Entered: 09/15/03, By: air]
- 08/12/2003 [13](#) MOTION by defendant Novoste Corp to sever claims, and to transfer venue (Attachments); Notice. [Date Entered: 09/15/03, By: air]
- 08/15/2003 [7](#) APPLICATION for leave to appear pro hac vice for defendant Novoste Corp by Craig D. Diviney; Order entered granting leave by Hon. Wayne R. Andersen [Date Entered: 08/18/03, By: eav]
- 08/15/2003 [8](#) APPLICATION for leave to appear pro hac vice for defendant Novoste Corp by Jason R. Kraus ; Order entered granting leave by Hon. Wayne R. Andersen [Date Entered: 08/18/03, By: eav]
- 08/15/2003 [9](#) APPLICATION for leave to appear pro hac vice for defendant Novoste Corp by Paul J. Robbennolt ; Order entered granting leave by Hon. Wayne R. Andersen; Notice of filing [Date Entered: 08/18/03, By: eav]
- 08/18/2003 [-](#) MAILED Rule 83.16 letter and appearance form to Craig D. Diviney, Paul J. Robbennolt and Jason R. Kraus [Date Entered: 08/18/03, By: eav]
- 08/25/2003 [10](#) NOTICE by plaintiff of change of address of attorneys Keith V. Rockey and Kathleen A. Lyons [Date Entered: 08/26/03, By: eav]
- 09/08/2003 [11](#) REPLY by plaintiff to counterclaims [Date Entered: 09/09/03, By: eav]
- 09/09/2003 [14](#) MINUTE ORDER of 9/9/03 by Hon. Wayne R. Andersen: Defendant Novoste's motion to sever claims [13-1] and transfer venue [13-2] is entered and continued to 9/30/03 at 9:00 a.m. No notice [Date Entered: 09/15/03, By: air]
- 09/17/2003 [15](#) ATTORNEY APPEARANCE for defendant Rush Presbyterian by David C. Van Dyke, Timothy L Conti; Notice of filing [Date Entered: 09/18/03, By: eav]
- 09/17/2003 [16](#) MOTION by defendant Rush Presbyterian for an extension of time to answer plaintiff's complaint ; Notice of motion [Date Entered: 09/24/03, By: eav]
- 09/23/2003 [17](#) MINUTE ORDER of 9/23/03 by Hon. Wayne R. Andersen : Defendant's motion for an extension of time to answer plaintiff's complaint is granted to 10/15/03. [16-1] Mailed notice [Date Entered: 09/24/03, By: eav]
- 09/26/2003 [18](#) REFERRAL ORDER: Case referred to Hon. Edward A. Bobrick for discovery supervision, discovery motions Mailed notice. [Date Entered: 09/26/03, By: ta]
- 09/29/2003 [19](#) MOTION by defendant Rush Presbyterian to join codefendant Novoste, Corporation's motion to sever claims and transfer venue (Attachment); Notice of motion [Date Entered: 10/02/03, By: eav]
- 09/29/2003 [23](#) MOTION by defendant to joinder codefendant Novoste, Corporation's motion

- to sever claims and transfer venue; Notice [Date Entered: 10/30/03, By: cdy]
- 09/30/2003 20 MINUTE ORDER of 9/30/03 by Hon. Wayne R. Andersen : Novoste's motion to sever claims and transfer venue [13-1], [13-2] and defendant Rush Presbyterian-St. Luke's motion to join codefendant Novoste Corporations' motion to sever claims and transfer venue [19-1] is continued to 10/28/03 at 9:00 a.m. Mailed notice [Date Entered: 10/02/03, By: eav]
- 10/15/2003 21 ANSWER to complaint [1-1], Affirmative Defenses and COUNTERCLAIMS by defendant Rush Presbyterian; Notice of filing [Date Entered: 10/16/03, By: eav]
- 10/20/2003 22 MINUTE ORDER of 10/20/03 by Hon. Wayne R. Andersen : Enter agreed order regarding Novoste's motion to sever claims and [13-1] to transfer venue. [13-2] Response by 12/5/03. Reply by 12/12/03. Defendant Rush's motion to join defendant Novoste's motion to sever claims and to transfer venue is granted. [19-1] Ruling will be made by mail. (Entered Agreed Order) Mailed notice [Date Entered: 10/21/03, By: eav]
- 10/28/2003 24 MINUTE ORDER of 10/28/03 by Hon. Wayne R. Andersen: Status hearing held. Rush-Presbyterian-St. Luke's motion to joinder codefendant Novoste, Corporation's motion to sever claims and transfer venue [23-1] is entered and continued to 01/13/04 at 9:00 a.m. Mailed notice [Date Entered: 10/30/03, By: cdy]
- 11/03/2003 28 REPLY TO COUNTERCLAIM [21-2] by counter-defendant Calmedica LLC. [Date Entered: 12/03/03, By: jmp]
- 11/13/2003 = SCHEDULE set on 11/13/03 by Hon. Edward A. Bobrick: Status hearing set on 11/25/03 at 10:00 a.m. Mailed notice by judge's staff. [Date Entered: 11/13/03, By: sb]
- 11/25/2003 25 ATTORNEY APPEARANCE for defendant Novoste Corp by Vittorio Fiore Terrizzi; Notice of filing [Date Entered: 11/26/03, By: eav]
- 11/25/2003 26 ATTORNEY APPEARANCE for defendant Rush Presbyterian by Vittorio Fiore Terrizzi; Notice of filing [Date Entered: 12/02/03, By: eav]
- 11/25/2003 27 MINUTE ORDER of 11/25/03 by Hon. Edward A. Bobrick : Status hearing held and continued to 1/12/04 at 10:00 a.m. , Defendant Rush-Presbyterian-St. Lukes's Medical Center's oral motion for leave to withdraw Timothy L. Contias attorney for defendant and substitute Vittorio F. Terrizzi as additional counsel for defendant Rush is granted. All discovery is stayed pending the ruling on the motion for change of venue. Mailed notice by judge's staff [Date Entered: 12/02/03, By: eav]
- 12/04/2003 29 ATTORNEY APPEARANCE for plaintiff by Maurice E. Teixeira. [Date Entered: 12/05/03, By: gma]
- 12/04/2003 32 AGREED MOTION by plaintiff, defendants for entry of protective order [Date Entered: 12/09/03, By: eav]
- 12/05/2003 30 MEMORANDUM by plaintiff Calmedica LLC in opposition to defendants' motion to sever and [13-1] transfer [13-2] (RESTRICTED) [Date Entered: 12/09/03, By: eav]
- 12/05/2003 31 BENCHBROOK OF EXHIBITS by plaintiff Calmedica LLC memorandum [30-1] (RESTRICTED) [Date Entered: 12/09/03, By: eav]
- 12/05/2003 33 MINUTE ORDER of 12/5/03 by Hon. Edward A. Bobrick : Parties agreed motion for entry of protective order is granted. [32-1] Entered Stipulation and Protective Order Mailed notice by judge's staff [Date Entered: 12/09/03, By: eav]
- 12/12/2003 34 REPLY memorandum by defendant Novoste Corp in support of motion to sever claims and transfer venue (Attachments) (RESTRICTED) [Date Entered: 12/19/03, By: eav]
- 12/12/2003 35 NOTICE by defendant Novoste Corp of filing reply [34-1] [Date Entered: 12/19/03, By: eav]

- 12/23/2003 37 MOTION by defendant Novoste Corp to file additional appearance of Jason R. Moyer ; Notice of motion [Date Entered: 01/15/04, By: eav]
- 12/30/2003 36 MINUTE ORDER of 12/30/03 by Hon. Wayne R. Andersen : Motion [23-1] which was set for 1/13/04 is now stricken and reset to 1/15/04 at 9:00 a.m. Judge Andersen has changed his schedule and only hears cases on Thursdays now.Mailed notice [Date Entered: 12/31/03, By: eav]
- 01/08/2004 38 MINUTE ORDER of 1/8/04 by Hon. Wayne R. Andersen : Motion to file additional appearance is granted. [37-1] Jason R. Moyer is given leave to file his appearance. Victor Terrizzi is given leave to withdraw his appearance as attorney. Mailed notice [Date Entered: 01/15/04, By: eav]
- 01/12/2004 SCHEDULE set on 1/12/04 by Hon. Edward A. Bobrick: Status hearing held and continued to 1/15/04 at 10:00 a.m. Mailed notice by judge's staff. [Date Entered: 01/12/04, By: sb]
- 01/15/2004 MAILED Rule 83.16 letter and appearance to Jason R Moyer [Date Entered: 01/15/04, By: eav]
- 01/15/2004 SCHEDULE set on 1/15/04 by Hon. Edward A. Bobrick: Status hearing reset to 1/22/04 at 10:00 a.m., on the parties own motion. Mailed notice by judge's staff. [Date Entered: 01/16/04, By: sb]
- 01/16/2004 39 ATTORNEY APPEARANCE for defendant Novoste Corp by Jason R. Moyer; Notice of filing [Date Entered: 01/20/04, By: eav]
- 01/29/2004 40 MINUTE ORDER of 1/29/04 by Hon. Wayne R. Andersen : The motion to sever and [13-1] transfer venue [13-2] is granted. Entered Memorandum Opinion and Order. Mailed notice [Date Entered: 01/30/04, By: eav]
- 02/03/2004 41 MINUTE ORDER of 2/3/04 by Hon. Edward A. Bobrick : Status hearing held and continued to 9/3/04 at 10:00 a.m. This court stays all discovery pending ruling on liability from the U.S. District Court Northern District of Georgia.Mailed notice by judge's staff [Date Entered: 02/05/04, By: eav]

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